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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,614	12/14/2000	Jea-Yong Yoo	2950-0179P	5790

2292 7590 09/22/2005

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EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/735,614

Applicant(s)

YOO ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is FINAL. RB 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-17, 19-24, 29-33, 35-40, 45-49, 51-55 and 57-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17, 19-24, 29-33, 35-40, 45-49, 51-55 and 57-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 21.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 6/15/05, wherein claims 13, 15, 17, 21, 29, 31, 33, 37 and 51-55 were amended, claims 18, 25-28, 34, 41-44 and 50 were cancelled and claims 57-64 were newly added. All pending claims have been rejected as being previously disclosed in prior arts.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 61, 63 and 64 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 504, 996 B1 (Na et al.), herein referred to as Na.

Referring to claim 61, Na discloses a menu control method for a DVD player being coupled to a digital TV via a digital interface (Figure 4 and column 4, lines 32-42). Na discloses the digital TV and the DVD player communicating to each other using predetermined communication protocols over the digital interface (column 4, lines 13-16). Na discloses that the digital TV includes a set of commands prestored therein for communication with the DVD player (column 8, lines 57-column 9, lines 1-5). Na discloses receiving a specific command from the digital TV over the digital interface, the

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specific command being one of the commands from the command set prestored in the digital TV and generated in response to a user's selection of a menu item displayed on the digital TV (column 8, lines 50-55). Na discloses interpreting the received command associated with the selected menu item, obtaining information in response to the specific command and transmitting the obtained information to the digital TV over the digital interface for displaying on the digital TV (column 8, lines 50-62).

Referring to claim 63, Na discloses that the selected menu item identifies a function or operation of the DVD player (column 3, lines 18-22).

Referring to claim 64, Na discloses that the digital interface is an IEEE 1394 interface (column 4, lines 13-16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-17, 19-24, 29-33, 35-40, 45-49, 51-55, 57-60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 246,401 B1 (Setogawa et al.), herein referred to as Setogawa and in view of Na.

Referring to claims 13 and 29, Setogawa discloses a menu-driven remote control method of a video apparatus connected to a disc device via a digital interface (column 3, lines 47-53 and Figure 5). Setogawa also discloses being able to reproduce a recording medium with contents recorded thereon (column 1, lines 7-11). Setogawa

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also discloses displaying on the video apparatus a first menu page generated by the video apparatus, within which the page is displayed wherein this apparatus is independent of the disc device (column 17, lines 20-35), with first type menu items associated with functions or operations of the disc device (column 9, lines 1-10), referred to as the basic DVD system menu. Setogawa discloses items within the first menu that when chosen takes the user to a second type menu item for requesting a new menu page that is suppliable from the recording medium, wherein the menu data is supplied by the DVD player (column 10, lines 8-35 and column 11, lines 1-3).

Setogawa has also previously discussed wherein the recording apparatus, which is the DVD player, provides the menu screen data (column 1, lines 7-15). Setogawa also discloses constructing, if the second type menu item is selected from the displayed first menu page, a command in association with the selected second type menu item, and transmitting the constructed command to said disc device (column 10, lines 29-35).

Setogawa also discloses receiving the new menu page from the recording medium, wherein this new menu page is the chapters page received from the DVD player and displaying, on the video apparatus (reference number a, Figure 3), the received new menu page and sending, if a sub-menu item is selected from the displayed new menu page, selection information on the selected sub-menu item to said disc device that reproduces recorded contents of the recording medium based on the selection information, wherein the selection of the chapters takes one to the contents of that selected chapter and presenting the reproduced contents received from said disc device (column 1, lines 31-36), wherein the sub-stories are the chapters of a story, and when

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chosen displays the contents of those sub-stories or chapters to the user in the video apparatus of the data received from the DVD player. Setogawa discloses a recording apparatus for DVD and an apparatus wherein used for displaying and interacting with contents of the DVD, represented as the video apparatus. But a more clear description is provided in Na, wherein a digital TV and DVD player explicitly interact with each other and transmit commands between each other through a digital interface (Figure 4 and column 5, lines 5-10). Na teaches wherein commands are relayed from the DVD player to the digital TV, and further that commands are relayed from the digital TV to the DVD player. It would have been obvious for one skilled in the art, at the time of the invention to learn from Na to further teach explicitly the interaction of DVD players and digital TV's using a digital interface for transmission of commands. Both Setogawa and Na discuss DVD players and the use of such with a video apparatus, wherein Setogawa mainly teaches the creation and manipulation of menus related to DVD's. Na teaches the functionality of a DVD player, and also discusses the display of menus common to DVD systems as also taught in Setogawa and the displaying of menus, further teaching in detail the transmission of commands and the use of a digital interface to communicate between the video apparatus and disc device. Hence, it would have been obvious for one skilled in the art at the time of the invention to learn from Na to teach the functionality and relationship between the disc device and video apparatus.

Referring to claims 14 and 30, Setogawa discloses that the first type menu items are displayed with menu data stored in a memory of the video apparatus (column 1, lines 11-13).

Referring to claims 15 and 31, Setogawa and Na disclose that the first menu items are related with playback operation (Na, column 9, lines 31-34). Setogawa also discloses a typical display menu with operations including (Figure 3), wherein the menu displays previous and next operations representing forward and backward operations.

Referring to claims 16 and 32, Setogawa discloses that the selection information includes position information associated with a cursor pointed to a certain sub-menu item on the new menu page displayed (column 3, lines 50-53 and column 10, lines 29-35).

Referring to claims 17 and 33, Setogawa and Na discloses constructing, if one of the first type menu items is selected, a command in association with the selected first type menu item, and transmitting the constructed command to said disc device that conducts a function or operation corresponding to said selected first type menu item (column 1, lines 12-15), wherein the command is transmitted over a digital interface (column 9, lines 5-10).

Referring to claims 19 and 35, Setogawa discloses highlighting any selected first or second type menu item to distinguish from non-selected menu items (column 11, lines 31-36).

Referring to claims 20 and 36, Setogawa discloses that the new menu page is a title menu page, an audio menu page, or a chapter menu page (Figure 3 and column 10, lines 24-28).

Referring to claims 21 and 37, Setogawa discloses a menu-driven remote control method of an audio apparatus (column 1, lines 17-23 and column 3, lines 47-53),

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wherein both audio and video data is represented in the DVD player, the DVD player thereby also representing an audio apparatus. Setogawa also discloses connecting the audio apparatus to a disc device via an interface that is able to reproduce an audio signal from a recording medium recorded with at least the audio signal (reference number 102, Figure 5 and column 3, lines 16-25). Setogawa discloses receiving menu items that are reproduced from the recording medium by the disc device in a data stream (column 10, lines 52-60). Setogawa also discloses presenting, on the audio apparatus, the received menu items in non-graphical form (Figure 19), and sending selection information about a menu item selected from the presented menu items to said disc device that reproduces the recorded audio signal of the recording medium in response to the selection information (Figure 19B and column 38, lines 1-7). Setogawa also discloses receiving and outputting the reproduced audio signal from the disc device (column 1, lines 17-23). Setogawa discloses a recording apparatus for DVD and an apparatus wherein used for displaying and interacting with contents of the DVD, represented as the video apparatus, wherein both represent information that is video and audio data. But a more clear description is provided in Na, wherein a digital TV and DVD player explicitly interact with each other and transmit commands between each other through a digital interface (Figure 4 and column 5, lines 5-10). Na teaches wherein commands are relayed from the DVD player to the digital TV, and further that commands are relayed from the digital TV to the DVD player. It would have been obvious for one skilled in the art, at the time of the invention to learn from Na to further teach explicitly the interaction of DVD players and digital TV's using a digital interface



for transmission of commands. Both Setogawa and Na discuss DVD players and the use of such with a video apparatus, wherein Setogawa mainly teaches the creation and manipulation of menus related to DVD's. Na teaches the functionality of a DVD player, and also discusses the display of menus common to DVD systems as also taught in Setogawa and the displaying of menus, further teaching in detail the transmission of commands and the use of a digital interface to communicate between the video apparatus and disc device. Hence, it would have been obvious for one skilled in the art at the time of the invention to learn from Na to teach the functionality and relationship between the disc device and video apparatus.

Referring to claims 22 and 38, Setogawa discloses that in the step (c) of claim 21, the non-graphical form means text only (Figure 19).

Referring to claims 23 and 39, Setogawa discloses that the received data stream is presented on a small-sized LCD equipped in the audio apparatus (column 16, lines 59-64).

Referring to claims 24 and 40, Setogawa discloses that the selection information about a selected menu item includes position information on a text-displaying window (column 40, lines 1-9).

Referring to claims 45 and 51, Setogawa and Na disclose that the video apparatus is a digital TV (Na, Figure 4).

Referring to claims 46, 48, 52 and 54, Setogawa and Na disclose that the disc device is a DVD player (Na, Figure 4).

Referring to claims 47, 49, 53 and 55, Setogawa and Na discloses that the recording medium is a DVD (Setogawa, Figure 5).

Referring to claims 57-60, Setogawa and Na disclose that the digital interface is an IEEE 1394 interface (Na, Figure 4).

Referring to claim 62, Na does disclose the displaying of menus on the digital TV (column 4, lines 35-40) but does not disclose that the obtained information includes a new menu page to be displayed on the digital TV. Setogawa discloses a new menu page that is obtained and displayed on a video apparatus (column 10, lines 8-35), wherein Setogawa discloses various menu pages that are new and displayed as a result of choices made in the main root menu. It would have been obvious for one skilled in the art, at the time of the invention to learn from Setogawa to disclose that the obtained information includes a menu page to be displayed on the digital TV. Both Setogawa and Na disclose using DVD players coupled to a video apparatus to access information, wherein both references disclose the use of menus in interacting with the video apparatus and any DVD data. Setogawa further relies on the specific teachings for menus in relation to DVD players. One skilled in the art, at the time of the invention would have been motivated to learn from Setogawa to teach that the obtained information includes a new menu page to be displayed on the digital TV.

#### ***Response to Arguments***

4. Applicant's arguments filed 6/15/05 have been fully considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery." The official notice dated June 20, 2005 also includes an "updated list of

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exceptions to the centralized delivery and facsimile transmission policy for patent related correspondence." Questions regarding this notice may be e-mailed to Patentpractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
September 16, 2005

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**